APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,971	05/08/2001	Linda Ann Roberts	BS00-338	1307

7590 06/29/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-9,11-16 and 18-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-9,11-16 and 18-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 2, 4-9, 15, 16 and 18-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Epler et al. US Patent No. 5,825,867 in view of Leung et al. US

6,005,870.

1.1   Regarding claims 1 and 20, Epler discloses a method of enhanced call waiting

(column 5, lines 66-67). Epler teaches:

receiving a calling party ID (CPID) or other information from a caller (column 6,

lines 8-18) and generating a distinctive call waiting tone to indicate the level of urgency

(priority) or importance based on the input from the caller, wherein the distinctive tone is

played to a telephone line assigned to a called party who's telephone number was being

dialed by the caller (column 6, lines 18-27), and

establishing communication between the caller 12 and the user if the subscriber

so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes associated with the user's telephone line

to callers (column 11, lines 55-61), and each VIP code identifies a potential caller

(column 11, lines 55-57). And as mention above, Epler teaches receiving other information, such as urgency information from the caller in addition to the CPID (VIP code reads on the CPID), and based on caller's input, either a CPID or other information, a relative urgency level is determined and a distinctive tone, indicating the level of urgency, is played to the called party (column 6, lines 13-27). Epler fails to explicitly teach that the other information, such as the urgency information, is a code pre-provided to the caller.

However, Leung discloses a method for call treatment, including call waiting, in figure 1. Leung teaches pre-providing multiple codes, such as PIN (reads on Epler's CPID), a group access code and an emergency code (reads on Epler's urgency information) to a caller, so that the caller may enter one of these codes to indicate the priority level of a call (column 5, line 1 to column 6, line 8; column 11, lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a VIP code (PIN), a group access code, and an emergency code, to identify a priority level of an incoming call, and would have sent a distinctive tone to the called party, because such modification would have enabled a caller to indicate different levels of urgency regarding the incoming call, and would have clarified how the urgency information in the Epler was inputted by a caller.

1.2   Regarding claims 2 and 21, Epler's teaches that a VIP code is unique to a caller (column 11, lines 55-63).

1.3   Regarding claim 4, Epler teaches that a call waiting alerting signal can be a regular call waiting tone (column 5, lines 56-60).

1.4   Regarding claims 5 and 6, Epler teaches prompting caller 12 to leave a message if no code is entered, or a code entered does not match (column 5, lines 39-42; column 14, lines 23-28).

1.5   Regarding claim 7, Epler discloses a method of enhanced call waiting (column 5, lines 66-67). Epler teaches:

receiving a calling party ID (CPID) or other information from a caller (column 6, lines 8-18) and generating a distinctive call waiting tone to indicate the level of urgency (priority) or importance based on the input from the caller, wherein the distinctive tone is played to a telephone line assigned to a called party who's telephone number was being dialed by the caller (column 6, lines 18-27);

determining whether a code (or information) matches with a pre-store code (column 5, lines 39-42; column 14, lines 23-28); and

establishing communication between the caller 12 and the user if the subscriber so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes associated with the user's telephone line to callers (column 11, lines 55-61), and each VIP code identifies a potential caller (column 11, lines 55-57). And as mention above, Epler teaches receiving other information, such as urgency information from the caller in addition to the CPID (VIP code reads on the CPID), and based on caller's input, either a CPID or other information, a relative urgency level is determined and a distinctive tone, indicating the level of urgency, is played to the called party (column 6, lines 13-27). Epler fails to explicitly teach that the other information, such as the urgency information, is a code pre-provided to the caller.

However, Leung discloses a method for call treatment, including call waiting, in figure 1. Leung teaches pre-providing multiple codes, such as PIN (reads on Epler's CPID), a group access code and an emergency code (reads on Epler's urgency information) to a caller, so that the caller may enter one of these codes to indicate the priority level of a call (column 5, line 1 to column 6, line 8; column 11, lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a VIP code (PIN), a group access code, and an emergency code, to identify a priority level of an incoming call, and would have sent a distinctive tone to the called party, because such modification would have enabled a caller to indicate different levels of urgency regarding the incoming call, and would have clarified how the urgency information in the Epler was inputted by a caller.

1.6   Regarding claim 8, the modified Epler's reference, teaches that each code is

unique to the caller, i.e. a group code is different from an emergency code.

1.7   Regarding claims 9 and 22, the modified Epler's reference, teaches assigning

different number of codes to different callers (Leung; column 5, lines 30-32).

1.8   Regarding claim 15, Epler discloses a method of enhanced call waiting. Epler

teaches:

        associating an information with a subscriber's telephone number in a database

accessible by a computer 56 (figure 1; column 3, lines 33-36; column 4, lines 37-42),

wherein a the information is associated with an urgency level, and each urgency level is

associated with a distinctive call waiting tone for identifying the level of urgency to a

user (column 6, lines 8-27);

        receiving an incoming call from a caller while the user is engaged in a first

communication with a third party via a switch 20 (column 4, lines 43-47);

        receiving, via the switch, the information from the caller to identify the level of

urgency of the call (column 5, lines 32-36; column 6, lines 18-24);

        determining (by inherency) at the computer whether the information matched in

the database for generating the distinctive call awaiting tone (column 6, lines 18-27);

        sending an instruction to the switch to play the distinctive call waiting tone to a

user (column 6, lines 8-27); and

generating a distinctive call waiting tone specified by the computer at the switch

20, and playing the distinctive call waiting tone for the user (called party) who's

telephone number was being dialed by the caller, notifying the user a level of urgency of

the call (column 6, lines 24-27).

Epler also teaches providing VIP codes associated with the user's telephone line

to callers (column 11, lines 55-61), and each VIP code identifies a potential caller

(column 11, lines 55-57). And as mention above, Epler teaches receiving other

information, such as urgency information from the caller in addition to the CPID (VIP

code reads on the CPID), and based on caller's input, either a CPID or other

information, a relative urgency level is determined and a distinctive tone, indicating the

level of urgency, is played to the called party (column 6, lines 13-27). Epler fails to

explicitly teach that the other information, such as the urgency information, is a code

pre-provided to the caller.

However, Leung discloses a method for call treatment, including call waiting, in

figure 1. Leung teaches pre-providing multiple codes, such as PIN (reads on Epler's

CPID), a group access code and an emergency code (reads on Epler's urgency

information) to a caller, so that the caller may enter one of these codes to indicate the

priority level of a call (column 5, line 1 to column 6, line 8; column 11, lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Epler's reference with the teaching of Leung,

so that a calling party would have been pre-provided more than one code, such as a

VIP code (PIN), a group access code, and an emergency code, to identify a priority

level of an incoming call, and would have sent a distinctive tone to the called party,

because such modification would have enabled a caller to indicate different levels of

urgency regarding the incoming call, and would have clarified how the urgency

information in the Epler was inputted by a caller.

1.9   Regarding claims 16 and 23, Epler teaches establishing communication between

a caller and a subscriber (called party) if the subscriber so desires (column 1, lines 26-

38).

1.10   Regarding claim 18, Epler teaches that each VIP code is unique to a calling party

(column 11, lines 55-63).

1.11   Regarding claim 19, Epler teaches determining whether the VIP code received

matches one of the VIP codes stored in a database (column 14, lines 16-30);

2.   Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Epler et al. US Patent No. 5,825,867 in view of Leung et al. US 6,005,870 and further in

view of Relyea et al. US 6,185,285.

2.1   Regarding claim 11, Epler discloses a system of enhanced call waiting in figure

1, comprising:

a switch 20 in communication with a telephone line (column 3, lines 17-23),

wherein the switch is configured to detect incoming calls intended for a user 10 who is

already engaged in a first communication with another caller (column 4, lines 43-45);

a processor (computer 56) in communication with the switch, wherein the

processor is configured to review information associated with user 10 (column 3, lines

33-36; column 4, lines 37-42) to determine, from a subscriber database (subscriber list),

whether user 10 is a subscriber of the enhanced call waiting subscriber;

wherein, when the switch launch a query for call waiting (column 5, lines 32-35);

wherein the processor receives a query from the switch and identifies that user

10 is a subscriber of the system, then instruct the switch to solicit information (i.e.

priority code) from caller 12 indicating a level of urgency of the incoming call (column 6,

lines 8-27);

wherein the process verifies the information (buy inherency; column 6, lines 18-

24);

wherein the information represent multiple degree of urgency (column 6, lines 18-

24);

wherein the processor instructs the switch to interrupt the first communication

with a distinctive call waiting tone if information entered by the caller is valid (column 6,

lines 18-24), and each distinctive call waiting tone associated with a lever of urgency

(column 5, lines 66-67; column 6, lines 8-27); and

wherein the switch establishes communication between caller 12 and user 10 if

user 10 so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes associated with the user's telephone line

to callers (column 11, lines 55-61), and each VIP code identifies a potential caller

(column 11, lines 55-57). And as mention above, Epler teaches receiving other

information, such as urgency information from the caller in addition to the CPID (VIP

code reads on the CPID), and based on caller's input, either a CPID or other

information, a relative urgency level is determined and a distinctive tone, indicating the

level of urgency, is played to the called party (column 6, lines 13-27). Epler fails to

explicitly teach that the other information, such as the urgency information, is a code

pre-provided to the caller, and the user is able to modify his profile by a computer.

However, Leung discloses a method for call treatment, including call waiting, in

figure 1. Leung teaches pre-providing multiple codes, such as PIN (reads on Epler's

CPID), a group access code and an emergency code (reads on Epler's urgency

information) to a caller, so that the caller may enter one of these codes to indicate the

priority level of a call (column 5, line 1 to column 6, line 8; column 11, lines 11-13).

In addition, Relyea discloses a call management server 26 connected to a local

switch 20 in figure 1. Relyea teaches that a subscriber can enter the call management

server 26, via a computer 28, to change his service profile, including call waiting

(column2, lines 45-49; column 5, lines 17-32; figures 1 and 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Epler's reference with the teachings of Leung

and Relyea, so that a calling party would have been pre-provided more than one code,

such as a VIP code (PIN), a group access code, and an emergency code, to identify a

priority level of an incoming call, and would have sent a distinctive tone to the called

party, and a user profile would have been accessible by a user computer in addition to

telephone, because such modification would have enabled a caller to indicate different

levels of urgency regarding the incoming call, and would have clarified how the urgency

information in the Epler was inputted by a caller, and would have provided flexible

means for a user to modify his profile.

2.2   Regarding claim 12, Epler teaches that switch 20 is provisioned with a trigger for

causing a call waiting tone (column 5, lines 42-50, 56-60).

2.3   Regarding claim 13, Epler teaches a 5ESS switch at a central office (column 5,

lines 47-50). Since 5ESS is an Advanced Intelligent Network (AIN) switch, and

inherently, switch 20 is a service switching point (SSP) and call processing facility 50 is

located in a service control point (SCP).

2.4   Regarding claim 14, Epler teaches that a call waiting alerting signal can be a

regular call waiting tone (column 5, lines 56-60).

Response to Arguments

3.   Applicant's arguments filed on 4/14/2006 have been fully considered but they are

not persuasive.

3.1   Applicants argue that Epler fails to teach sending an priority alert signal to the

same telephone number dialed by the calling party.

However, Epler teaches using a party line feature to alert a called party, in that

when the called party engaging in a communication with a third party when the calling

party dials called party's telephone number, a switch or central office using the party line

feature, dials another telephone number associated with the called party's telephone

line to generate a distinctive tone, and the distinctive tone is sent to the telephone line

(with a telephone number assigned to the called party) so that the called party is

alerted. Epler therefore, teaches sending an alert signal to the telephone line (number)

dialed by the calling party.

3.2   Applicants further argue that Leung teaches using priority to alert a user, not to

specify urgency. However, as stated in the office action, Epler teaches receiving caller

inputs, including calling party ID (CPID) and other information, including urgency

(priority) information, to indicate a urgency level of a call and based on the caller's input,

generating a distinctive tone to alert a called party about the urgency level of the call.

Epler fails to teach that the other information for indicating a urgency level of a call is

provided to the calling party beforehand. However, Leung teaches pre-providing a

caller with a PIN (CPID), an access code and a urgency code, so that a calling party

can enter one of these codes to indicate the priority of a call.   Since Epler is silent on

whether the other information (including urgency information) for indicating a urgency

level is provided to the calling party beforehand or not, and Leung teaches pre-providing

a calling party with a urgency code to indicate a priority (urgency) level of a call. It is

proper to combine Leung with Epler, so that the other information of Epler is provided to

a calling party beforehand.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communication from the

examiner should be directed to Simon Sing whose telephone number is (571) 272-7545.

The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300. Any

inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-2600.

WING CHAN
SENIOR PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

S. Sing

06/23/2006